



Serial No. 08/518,051; Navy Case No. 83927 (74023)

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on 24 MARCH 2005

Date

by Rhea J. McGehee

Signature of Depositor

RHEA J. MCGEHEE

Typed or printed name of Depositor

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:  
STEPHEN D. RUSSELL et al  
Serial No.: 08/518,051  
Filed: 22 August 2005  
For: PROGRAMMABLE GREY-SCALE LIQUID CRYSTAL DISPLAY

Examiner: Mengistu, Amare  
Group Art Unit: 2673

**PETITION TO THE COMMISSIONER UNDER 37 CFR 1.181  
(REQUESTING WITHDRAWAL OF HOLDING OF ABANDONMENT)**

Honorable Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is a request to withdraw a holding of Applicants' application as abandoned on the basis that the application was in fact not abandoned. The grounds for this request are provided herein.

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**STATEMENT OF FACTS:**

Applicants received an Office Action dated 7 July 2003 (hereafter "Office Action") corresponding to the above-indicated patent application and for which a period of response of three months had been set. This shortened period for response provided a due date of 7 October 2003.

On 16 September 2003, a complete response to the Office Action was provided to the U.S. Patent Office via U.S. Mail, certificate of mailing. A return receipt post card was sent accompanying this response, a copy of which is furnished herein as Exhibit A.

Exhibit A identifies the reply, in this case itemized on the post card as: "Amendment, (4 pages) (No Fee)".

As described in a case-file memorandum by the then assigned attorney-of-record Ms. Celia Dunham, Examiner Amare Mengistu telephoned Ms. Dunham on Friday February 20, 2004. Examiner Mengistu left a message requesting Ms. Dunham's confirmation of an abandonment of the case. The following Monday, February 23, 2004, Ms. Dunham contacted the Examiner, but by that time he had issued a Notice of Abandonment. Ms. Dunham informed the Examiner that she had previously sent in a timely response and had no intention of abandoning the case. Examiner Mengistu stated that he would conduct a search for the response and if unsuccessful,



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would contact Ms. Dunham. There is no further record of the Examiner contacting Ms. Dunham.

**POINT OR POINTS TO BE REVIEWED:**

Does the evidence presented by Applicants compel a finding of a timely response and thus support a withdrawal of the holding of abandonment?

**ACTION REQUESTED:**

The Commissioner is hereby respectfully asked to withdraw the holding of abandonment based upon the return receipt post card prima facie evidence of a timely response to the Office Action.

It is requested that the above-described application be found to have not, in fact, become abandoned.

Respectfully submitted,

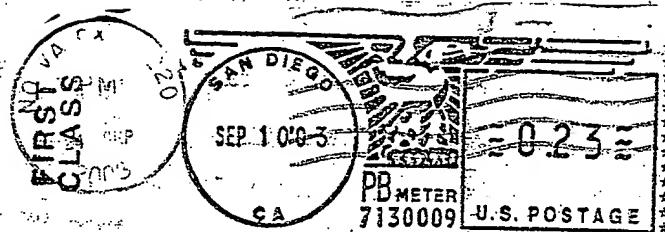
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Attorney for Petitioners  
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23 March 2005  
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Attention: Mr. Peter A. Lipovsky  
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NAVY CASE NO. 74023 (83927)  
SERIAL NO. 08/518,051

APPLICANT Stephen D. Russell et al.

Receipt of the following application  
U. S. Patent and Trademark Office:

Transmittal Form (PTO/SB/21)  
Amendment (4 pages) (No Fee)  
Certification of Mailing

CCD NC74023 09/16/03 RJM

by official stamp of the



NAVONR 5870/51 (Rev.8-84)